

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**MAY 2016 GRAND JURY
(Impaneled 5/13/2016)**

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

DAVID RHOADES

Violation:

Title 18, United States Code, Section
922(g)(3)

(1 Count and Forfeiture Allegation)

COUNT 1

(Unlawful User of Controlled Substance in Possession of Firearm)

The Grand Jury Charges That:

On or about August 28, 2016, in the Western District of New York, the defendant, **DAVID RHOADES**, an unlawful user of marijuana, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance, did knowingly and unlawfully possess, in and affecting commerce, a firearm, namely, a Bryco Arms 9 millimeter handgun, with serial number 1445372.

All in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of the offense set forth in Count 1 of the Indictment, the defendant, **DAVID RHOADES**, shall forfeit his right, title and interest to the United States any firearms involved or used in the commission of the offense, or found in the possession or under immediate control of the defendant at the time of arrest including, but not limited to:

- a. a Bryco Arms 9 millimeter handgun, with serial number 1445372, seized on August 28, 2016, in Niagara Falls, New York.

All pursuant to Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).

DATED: Buffalo, New York, September 7, 2016.

WILLIAM J. HOCHUL, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON